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COMMITTEE ON NON-GOVERNMENTAL
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REVIEW OF FUTURE ACTIVITIES

Annual informal consultation of 1991 between the Committee on Non-Governmental Organizations and non-governmental organizations in consultative status with the Economic and Social Council

Note by the Secretariat

1. The annual informal consultation was held in New York on 22 May 1991 under the chairmanship of Annie Marie Sundbom (Sweden), Chairman of the Committee on Non-Governmental Organizations.

2. The consultation had before it a paper prepared by the Secretariat (Non-Governmental Organizations Unit of the Department of International Economic and Social Affairs) on the basis of observations made by non-governmental organizations in consultative status with the Economic and Social Council (CONSULT/1991/NGO.1). The paper is reproduced in the annex below.

3. The non-governmental organizations in consultative status paid tribute to the support shown by the Committee on Non-Governmental Organizations and commended its Chairman for her distinguished leadership.

4. The non-governmental organizations noted that their main concerns were reflected in the excellent paper prepared by the Non-Governmental Organizations Unit. Member States participating in the consultation agreed

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that the concerns of non-governmental organizations regarding the erosion of their consultative status were fully warranted. The Committee on Non-Governmental Organizations should reaffirm the meaning and value of the consultative status as well as the necessity of respecting the provisions of Economic and Social Council resolution 1296 (XLIV). The Committee on Non-Governmental Organizations should be the custodian of the privileges and obligations arising from the consultative status which the Committee itself granted to non-governmental organizations.

5. The meeting stressed the importance and uniqueness of the role of the Committee on Non-Governmental Organizations as the sole intergovernmental body dealing with non-governmental organizations in the United Nations and felt that the Committee should interpret its mandate under Council resolution 1296 (XLIV) in a broader context and exercise it to the fullest extent possible. The functions of the Committee should not be limited to recommendations regarding consultative status or consideration of quadrennial reports. The Committee should convey through the Economic and Social Council to other United Nations bodies the role of non-governmental organizations in consultative status, especially with regard to participation in conferences convened by the United Nations.

6. In that connection, attention was drawn to Council resolution 1296 (XLIV), paragraph 40 (e), which provided that "the Committee shall consider matters concerning non-governmental organizations which may be referred to it by the Council or by commissions", and paragraph 40 (f), which provided that "the Committee shall consult with the Secretary-General, as appropriate, on matters affecting the consultative arrangements under Article 71 of the Charter, and arising therefrom".

7. Participants agreed on the importance of establishing a continuing dialogue between Member States and non-governmental organizations. The creation within foreign ministries of units dealing with non-governmental organizations as well as focal points for matters related to non-governmental organizations within the permanent missions were mentioned as useful ways of promoting such a dialogue. It was also agreed that information on the work of the various non-governmental organization committees was extremely important and would be communicated to the members of the Committee on Non-Governmental Organizations.

Participation of non-governmental organizations in United Nations conferences

8. The meeting reiterated the need for consistency and predictability regarding the participation of non-governmental organizations in consultative status in United Nations conferences. It deplored once again the unfortunate precedents regarding the United Nations Conference on Environment and Development and the practices of the secretariat of the Conference, which had resulted in additional and unwarranted screening of non-governmental organizations in consultative status.

9. The meeting agreed that, in order to avoid future problems and uncertainty, there was a need to elaborate a formula for the participation of non-governmental organizations in consultative status, as well as of other non-governmental organizations when appropriate, in United Nations conferences.

Participation of non-governmental organizations in consultative status in the work of the General Assembly

10. The non-governmental organizations noted with appreciation that the Committee on Non-Governmental Organizations had agreed that participation through written statements, made available in the quantity and languages provided by the non-governmental organization concerned, was very valuable and should be facilitated. The Chairman of the Interdepartmental Working Group on Relations between Non-Governmental Organizations and the Secretariat and United Nations Programmes stated that he would inform the relevant Secretariat officials in that respect. In addition, this would also be reflected in a memorandum from the Under-Secretary-General for Political and General Assembly Affairs and Secretariat Services to the Secretaries of the Main Committees.

Work of the Non-Governmental Organizations Unit

11. Participants commended the work of the Non-Governmental Organizations Unit and the initiatives it had taken to assist the non-governmental organizations in consultative status in improving coordination of their activities and mutual cooperation. In particular, the monthly meeting of chairpersons of non-governmental organization committees was found to be extremely useful.

12. Member States participating in the consultation stressed that the recommendation by the Committee for an urgent review of the resources of the Non-Governmental Organizations Unit showed their concern not only regarding support for the work of the Unit itself, but regarding the improvement of the quality of the whole relationship between non-governmental organizations in consultative status and the United Nations. In that regard, attention was drawn to paragraph 43 of Council resolution 1296 (XLIV), which provided that "the Secretariat should be so organized as to enable it to carry out the duties assigned to it concerning the consultative arrangements as set forth in the present resolution".

Annex

1991 ANNUAL INFORMAL CONSULTATION

Paper prepared by the Secretariat (Non-Governmental Organizations Unit of the Department of International Economic and Social Affairs) on the basis of observations made by non-governmental organizations in consultative status with the Economic and Social Council

I. EROSION OF CONSULTATIVE STATUS

1. The consultative status of non-governmental organizations is embodied in the Charter of the United Nations itself: Article 71 states that "the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence". The arrangements for consultation with non-governmental organizations are spelt out in great detail in Economic and Social Council resolution 1296 (XLIV) of 23 May 1968.

2. Non-governmental organizations in consultative status have noted an increasing tendency by intergovernmental organs, as well as by the United Nations Secretariat, to grant rights and privileges normally reserved for non-governmental organizations in consultative status to non-governmental organizations which do not benefit from any prior form of recognition by the United Nations.

3. One recent example of this trend is decision 1/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session, regarding modalities for participation by non-governmental organizations in the preparatory process. That decision has unfortunately already been taken as a basis and model by the United Nations Secretariat when submitting proposals for the participation of non-governmental organizations in other intergovernmental meetings. This was the case for the meeting of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (Washington, D.C., 4-14 February 1991). Based on Preparatory Committee decision 1/1, the Intergovernmental Negotiating Committee decided "that, in order for the Committee to benefit from the important contribution that non-governmental organizations had to make on the subject of its discussion, two observers representing different groups of non-governmental organizations should be invited to speak at the end of the general debate" (see A/AC.237/6, para. 33). The end result was that the Committee heard statements by three non-governmental organizations, the Edison Electric Institute, the Bangladesh Centre for Advanced Studies and the Global Climate Coalition, none of which had had any form of previous officially recognized association with the United Nations.

4. Moreover, subsidiary bodies of the Council themselves have failed to respect the provisions of Council resolution 1296 (XLIV) and have given participatory rights to non-governmental organizations which do not have consultative status.

5. More and more frequently, intergovernmental organs take decisions granting various participatory rights to "non-governmental organizations" in general, without any specific mention of those in consultative status. The absence of this qualification has led to a great deal of confusion and uncertainty for the non-governmental organizations in consultative status, Government representatives and Secretariat officials. Moreover, on certain occasions this has resulted in the impossibility for even the most representative non-governmental organizations in consultative status to make a meaningful contribution.

6. The non-governmental organizations in consultative status reiterate that they have no desire to exclude the contribution and participation of other interested non-governmental organizations which do not have consultative status. On the other hand, the non-governmental organizations in consultative status strongly object to being excluded to the benefit of other non-governmental organizations.

7. It should be recalled that consultative status is not easily acquired. Non-governmental organizations applying for consultative status are subject to careful scrutiny by an intergovernmental body, the Economic and Social Council Committee on Non-Governmental Organizations. Once consultative status is granted, non-governmental organizations must fulfil a number of obligations, including the submission of quadrennial reports.

8. The regrettable trend of granting access to and/or participatory rights in intergovernmental organs to any non-governmental organization which has declared an interest, without establishing any criteria or scrutiny procedures, is tantamount to negating the work and raison d'être of the Economic and Social Council Committee on Non-Governmental Organizations as well as to ignoring the provisions of Article 71 of the Charter itself.

9. The Committee on Non-Governmental Organizations should reaffirm the meaning and value of the consultative status that the Committee itself grants as well as the necessity of respecting the provisions of Economic and Social Council resolution 1296 (XLIV). As stated by the non-governmental organizations in consultative status during the 1990 consultation, the Committee on Non-Governmental Organizations should be "the custodian of the privileges and obligations arising from the consultative status which the Committee itself granted to non-governmental organizations".

10. Moreover, the right of non-governmental organizations in consultative status with the Economic and Social Council to attend any open meeting of United Nations intergovernmental organs should not be curtailed by proposals such as the one made recently at and adopted by the second session of the Preparatory Committee for the United Nations Conference on Environment and

Development, whereby non-governmental organizations in consultative status were requested to apply to the Conference secretariat in order to be accredited so that they could secure mere attendance to the session of the Preparatory Committee.

11. It is downright unacceptable that non-governmental organizations in consultative status should be subjected to further screening in order to demonstrate their relevance and/or competence in regard to any conference convened by the United Nations. The granting of consultative status to a non-governmental organization by an intergovernmental body should be sufficient credentials regarding their relevance to United Nations issues.

12. Following precedents established at all previous United Nations conferences, an invitation to participate in United Nations conferences and in the preparatory process leading to them should be issued to all non-governmental organizations in consultative status and it should be left to the non-governmental organization itself to determine whether it was interested in responding to the invitation. Moreover, when a participatory role, that is, a role going beyond mere attendance, is contemplated for non-governmental organizations in any preparatory process leading to a world conference, priority in that regard should be given to non-governmental organizations in consultative status.

13. In the light of the above, it is necessary to provide formally and explicitly for the participation of non-governmental organizations in consultative status in future world conferences (e.g., the World Conference on Human Rights in 1993; the International Conference on Population and Development in 1994).

14. The Committee on Non-Governmental Organizations should make a recommendation to the Economic and Social Council with a view to having the following provision included in any resolution convening a United Nations conference in regard to participation by non-governmental organizations whenever such participation is foreseen:

> "The Economic and Social Council, [General Assembly,] [decides] to invite:
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> "(a) Interested non-governmental organizations in consultative status with the Economic and Social Council, to be represented by observers at the conference;
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> "(b) Other interested non-governmental organizations that may have a specific contribution to make to the work of the Conference, to be represented by observers at the conference".

The provisional rules of procedure for the Conference should set forth the rights of non-governmental organizations invited as observers (e.g., the right to participate through oral and written statements). The Economic and Social Council could in turn convey such a recommendation to the General Assembly.

II. PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS IN THE WORK OF THE GENERAL ASSEMBLY

15. The non-governmental organizations in consultative status have noted with appreciation that "the Committee agreed that participation through written statements was very valuable and should be facilitated" (see E/1991/20, para. 41). The non-governmental organizations in consultative status stress the need to bring this recommendation to the attention of the relevant officials in the United Nations Secretariat, particularly Committee Secretaries, through the Interdepartmental Working Group on Relations between Non-Governmental Organizations and the Secretariat and United Nations Programmes.

III. OTHER MATTERS

16. The non-governmental organizations in consultative status wish to stress once again that the Non-Governmental Organizations Unit of the Department of International Economic and Social Affairs, which can provide the necessary expertise and information on successful precedents, should be consulted in connection with any and all proposals regarding the modalities for the participation of non-governmental organizations in any intergovernmental meetings, in particular conferences convened by the United Nations, preparatory meetings for these conferences, special sessions of the General Assembly and ad hoc committees of the whole of the General Assembly.

17. The non-governmental organizations in consultative status wish to take note with appreciation that the Committee on Non-Governmental Organizations "strongly recommended an urgent review of the grave situation in respect of the staff resources of the Non-Governmental Organizations Unit, in view of the ever-expanding volume of documentation as well as the constant increase in the number of non-governmental organizations in consultative status and the resulting increase in demands placed upon the Unit" (see E/1991/20, para. 44). The non-governmental organizations in consultative status express the hope that the Committee's recommendation will be brought to the attention of and implemented by the relevant United Nations intergovernmental bodies.